

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 23 APR 2004



WIPO

PC

Applicant's or agent's file reference PP/3-22330	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA416)	
International application No. PCT/EP 03/03487	International filing date (day/month/year) 03.04.2003	Priority date (day/month/year) 08.04.2002
International Patent Classification (IPC) or both national classification and IPC D21H21/02		
Applicant CIBA SPECIALTY CHEMICALS WATER TREATMENTS LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I    ☒ Basis of the opinion
  - II   ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV   ☐ Lack of unity of invention
  - V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI   ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  21.10.2003	Date of completion of this report  22.04.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Karlsson, L  Telephone No. +49 89 2399-8424  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/03487**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-17 as originally filed

**Drawings, Sheets**

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/03487**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4,7,11-14,17
	No: Claims	1-3,5,6,8-10,15,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The present invention pertains to a process for making paper comprising adding to the paper stock an effective amount for reducing the deposition of white pitch, or stickies, of at least an cationic coagulant polymer or an inorganic coagulant followed by the addition of a microparticle material. The pulp stock is at least partly derived from recycled paper products.

2.1 D1:US-A-4 913 775 pertains to a paper making process wherein bentonite is added in combination with inter alia a cationic polymeric coagulant, to mainly improve the retention and drainage properties of the formed paper (see claim 1 of D1). It is however, also disclosed in D1 that the addition of the abovementioned compounds also leads to benefits regarding the reduction of pitch and stickies (see D1, table 20; col.12, line 30 to col.13, line 41). Thus, the subject-matter of the present claim 1, as well as claims 15 and 16, are not considered to be novel in the light of the disclosure of D1 (Art.33.2 PCT).

2.2 D2:US-A-4 753 710 refers to a paper making process, which uses the same combination of components as described in 2.1 above, for obtaining improved retention values (see D2, claims 1-21). Although D1 does not explicitly mention that a pitch reduction is obtained, it is nevertheless inherent that such a benefit also is gained in the process of D2 since the same components are added in both cases. Accordingly are the subject-matters of the present claims 15 and 16 not novel with regard to the disclosure of D2 (Art.33.2 PCT).

2.3 It seems as the additional features of the dependent claims 2,3,5,6,8-10,15 and 16 also are known from D1 (see D1, examples 1-20, claims 1-16; col.12, line 30 to col. 13, line 41).

It appears as the use of the inorganic coagulant as defined in claim 11 just would be an equivalent alternative to the known cationic coagulant polymers, whereby the subject-matter of claim 11 hardly would be considered to be inventive in the light of the disclosures of D1 and D2.

The rest of the dependent claims do neither seem to contain any inventive matter with

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/EP03/03487

regard to the disclosure of D1 and D2 (Art.33.3 PCT).

2.4 However, a combination of the separate features of the dependent claims may nevertheless satisfy the requirements of Articles 33.2 and 33.3 PCT.